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19 41 **File No.** O Highways/41

Legal
A. DEPARTMENT
BRANCH

Subject:—

P&E

Opinions under the

Bombay Highways Act 1883.

File No. O Highways/41.

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		Opinions under the Bombay Highways Act, 1883.	
1.	R. I. No. 10999/21/12/40. O. No. 1356 13/2/1941.	Whether obstructions could legally be placed on the road in order to cause traffic to reduce speed.	1-2.

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R. I. No. 10999
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It is true that partially blocking the road as proposed by the District Magistrate, Nasik, does not amount to completely stop-ing it for traffic. But ~~it~~ it is a nuisance at common law either to neglect any legal duty in respect of a high way or to hinder or prevent the public from passing freely, safeby and conveniently along it unless such prevention or hindrance is justifiable under statutory powers. Andit isno defence to show that although a part of the highway actually used by the public is obstructed, sufficient available space is left. (Vide Pages 354-55 of Halsubury's Laws of England, Vol. 16.) Consequently, the placing of barrels on a part of the road with a view to compel the driver of avehicle to slow down would amount to a nuisance although there is no complete obstruction of the road and Government would be liable. It does not therefore appear that the proposal made by the District Magistrate, Nasik, in his letter at page 43 ante is legally feasible without recourse to legislation expressly conferring the requisite powers (of R. L. A's U. R. ~~to~~ X to P. W. D. No. O.Motor-I/I, dated the 23rd March 1938).

X Copy appended

sd/-

Remembrancer of Legal Affairs.

U. R. to R. D. No. 1356, dated the the 13th February, 1941.

MRR.
25/4-